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6 December 2001

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: BellSouth Corp. Georgia/Louisiana, CC Docket No. 01-277

Dear Ms. Salas:

In response to a staff request, Covad Communications Company (Covad), by its attorney, hereby submits this *ex parte* letter in the above-referenced docket. Specifically, Common Carrier Bureau staff have inquired into Covad's comments in this docket regarding BellSouth's IDSL manual ordering process, and what specific solution Covad would like to see implemented. Staff also asked Covad to explain why ordering ISDN loops through established mechanized processes would or would not be an acceptable solution.

Using ISDN instead of IDSL loops

Covad cannot change to ordering ISDN as an interim solution. First, it is important to remember why Covad fought, and won, a state regulatory battle to force BellSouth to deploy a separate IDSL loop in the first place. Because of a technical issue with BellSouth's remote terminals (Marconi Discus equipment), the IDSL services that Covad deploys will not work if the UNE loop is provisioned through one of the first four slots on that remote terminal. As such, the IDSL loop that Covad successfully secured is designed to avoid provisioning through those slots. If Covad were to revert to using the ISDN loop, without some guaranteed way of keeping BellSouth from provisioning these loops in the first four slots of the Marconi, Covad would suffer exactly the same service failures that caused it to seek the IDSL loop in the first place. If BellSouth were to merely develop some kind of "flag" to attempt to prevent such problems, Covad feels confident that the process would be less than 100% successful, given BellSouth's nearly two-year failure to remedy the ISDN slot problem in the first place. Simply put, Covad cannot afford to risk losing customers while BellSouth experiments with workarounds. In addition, special training and testing processes have already been developed between BellSouth and Covad regarding BellSouth's provisioning of the IDSL. Covad is naturally concerned that the benefits of these techniques would be lost.

Third, if this process were put in place, Covad would have a group of loops in the embedded BellSouth systems identified as ISDN loops. Those loops could be rolled at some future time to a Marconi system, as BellSouth continues to deploy more remote terminals and update its loop plant. BellSouth once offered to convert Covad's embedded ISDN plant to IDSL loops, but only if Covad would withdraw its FCC complaint on bad faith negotiating.[1] In making that threat, BellSouth made clear to Covad that its ISDN loops were threatened with disconnection at any time. Covad refused to be extorted in such a manner. More recently, Covad asked BellSouth to change its records to convert ISDN loops to IDSL. BellSouth told the Georgia Commission that such a conversion could only be done if Covad paid $17 per loop. In the two years of talking about this IDSL/ISDN problem, BellSouth has never indicated that having loops labeled as ISDN embedded in their databases was anything other than a problem for Covad. In short, Covad is sixteen months into ordering this new loop, after a year of ordering ISDN with huge and ongoing problems. Ordering a different type of loop would require retraining for BellSouth to protect against a recurrence of the poor provisioning that forced Covad to wage a regulatory battle to secure the IDSL loop. Covad does not believe that reverting to ordering ISDN loops instead of IDSL loops is either a short- or long-term solution.

Alternatives to ordering ISDN loops

(1) Require BellSouth to include full IDSL electronic pre-order and order capability in EDI. Covad is on the cusp of turning up EDI capability with BellSouth, and IDSL should be a part of the EDI package. Indeed, IDSL makes up the greatest volume of Covad's loop orders, so it would be only natural for BellSouth to seek to save itself the cost and difficulty of manual processes by automating IDSL loops via EDI. BellSouth makes ISDN ordering available via EDI, so it cannot be that difficult to make IDSL ordering available through EDI as well, Indeed, IDSL loops are similar to ISDN loops in all but one respect – the Marconi Discus problem – and thus BellSouth should be able to easily facilitate IDSL EDI capabilities. Yet BellSouth has represented to the Commission that such capability cannot be made available until fall of 2002 at the earliest, and it is clear that BellSouth does not feel any pressure to do so, and thus has no incentive to shorten the time frame. Implementing a short-term fix of EDI ordering capability for IDSL that falls out to a manual process on BellSouth's side of the interface is certainly not parity, but it would be a much better interim process than the order faxing and paper chasing that occurs now. If BellSouth could automate Covad's side of the process for IDSL via EDI, and waive any manual ordering charges, Covad would at least save the cost of the manual process on its side while BellSouth implemented fully automated EDI IDSL capability over the next few months.

(2) Immediately allow Covad to submit its orders via email. BellSouth has already seen this request from Network Telephone, which submitted a Change Control Request asking to submit orders for the IDSL/UDC via email. BellSouth rejected that request. If the

[1] This complaint later led BellSouth to enter into a $750,000 consent decree in exchange for the Commission's agreement to end its inquiry into BellSouth's refusal to negotiate in good faith with Covad regarding the very loop issues at issue in this proceeding.

Commission were to require BellSouth to accept emailed orders during the short period of time before BellSouth can make EDI ordering of IDSL available, the entire CLEC community would benefit. This interim solution should also be used to address other EDI capabilities that BellSouth has yet to implement, such as loops and linesharing orders requiring conditioning. Covad must submit such loop orders via fax today, and BellSouth should be required to make EDI ordering of those products available as well. While implementing EDI capabilities, BellSouth should make email order submission available as an interim solution.

(3) A third possibility, although much less attractive for the reason set out below, is to have BellSouth develop a LENS template for the IDSL loop to facilitate transfer of the order information to BellSouth. These orders would then fallout for manual handling in the LCSC. Then BellSouth could input them in the system as though they had been received via fax. This is not a mechanized interim solution, and thus would be of little use to Covad, especially as Covad is moving quickly to EDI. Like the email solution, however, it would help relieve Covad of the burden of typing the LSR, printing it out, faxing it, and then dedicating employees to the task of keeping up with the paper version of the order and all necessary changes. This solution, like the email solution, would not solve the inherent error and expense problems of a manual process, but rather would attempt to reduce those problems and costs on an interim basis while a permanent EDI IDSL solution is built. Covad would prefer that an interim EDI process, in combination with email order submission, be used as BellSouth's interim solution while it quickly implements full EDI ordering capability for all of Covad's loops.

Respectfully submitted,

/s/ Jason D. Oxman

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